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**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

<b>UNITED STATES OF AMERICA</b>	)	
	)	
<b>v.</b>	)	<b>Case No.: 2:07-cr-219-MHT</b>
	)	
<b>DARRELL GAMBLE</b>	)	

**SUPPLEMENTAL BRIEF IN SUPPORT OF SENTENCING ARGUMENT**

**PROCEDURAL HISTORY**

1. Mr. Gamble's sentencing hearing began on May 21, 2008. This Court continued the hearing on that date and asked the parties to brief two issues: 1) What consideration this Court should give to the crack/powder disparity, in light of *Kimbrough v. United States*, and 2) What consideration this Court should give to the fact that Mr. Gamble has 26 criminal history points.
2. Mr. Gamble filed his initial brief on June 15, 2008.
3. On June 25, the parties had a telephone status conference with the Court. In that telephone conference, the parties briefed the Court on the information contained in the following section titled "Discussion."
4. The United States is due to file its response to Mr. Gamble's brief on June 27, 2008.

**DISCUSSION**

5. Subsequent to Mr. Gamble filing his brief, Undersigned Counsel and counsel for the United States, Assistant United States Attorney Verne Speirs, discussed again the plea negotiations that resulted in the plea agreement in this case, and further discussed the

sentencing range in which the parties contemplated that Mr. Gamble would be sentenced.

6. In light of those discussions, Mr. Gamble is now aware of the certainty that a sentence below the United States Sentencing Guidelines (hereinafter Guidelines) would trigger an appeal by the United States. Therefore, Mr. Gamble has reconsidered his position as set forth in his sentencing brief. Recognizing that he has gained a substantial benefit from the plea agreement, and not wishing to jeopardize that agreement in anyway, Mr. Gamble seeks to foreclose any possibility of an appeal by the United States in this case. Therefore, Mr. Gamble now amends the argument he set forth in his sentencing brief as follows: rather than argue that he should receive the statutory minimum sentence of 120 months, he now argues, for all the same reasons stated in his brief, that he should receive the lowest possible Guidelines sentence of 130 months.

7. During the telephone conference, the parties and the Court agreed that the United States no longer needs to file a response to Mr. Gamble's brief.

Dated this 27th day of June, 2008.

Respectfully submitted,

s/ Donnie W. Bethel  
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**CERTIFICATE OF SERVICE**

I hereby certify that on June 27, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to Verne H. Speirs, Assistant U. S. Attorney.

Respectfully submitted,

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